



CITY OF MORGAN HILL

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PLANNING COMMISSION MEETING

REGULAR MEETING

OCTOBER 24, 2000

PRESENT: Kennett, Lyle, Mueller, Pinion, Ridner, Sullivan

ABSENT: McMahon

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, Business Assistance and Housing Services Director (BAHSD) Toy and Minutes Clerk Johnson.

REGULAR MEETING

Chair Kennett called the meeting to order at 7:02 p.m.

DECLARATION - POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

Chair Kennett opened the floor to public comments.

There being none present who wished to address the Commissioners, the public hearing was closed.

MINUTES:

**SEPTEMBER 12,
2000**

The Commissioners addressed the Minutes of previous meetings, reminding Staff that the minutes of the September 12, 2000 had never been approved. The minutes of that meeting will be dealt with at the next regularly scheduled meeting.

**OCTOBER 10,
2000**

**COMMISSIONERS RIDNER/PINION MOTIONED TO APPROVE THE
OCTOBER 10, 2000 MINUTES WITH THE FOLLOWING CORRECTIONS:**

- 1) Page 3: paragraph 5 The last sentence is deleted.

- 2) Page 3: paragraph 5 The second sentence is corrected to read: "He stated that the Council in their deliberations expressed interest in determining whether the traffic improvements could be locked in, and whether Mr. Cruz had title ownership or easement rights to his connection to Sunnyside."
- 3) Page 5: paragraph 2 The first sentence reads: 350,000 not 250,000.

THE MOTION PASSED 5 - 0, WITH KENNETT ABSTAINING AND MCMAHON ABSENT.

CONSENT:

1. DA-99-O6:

A request for approval of a development agreement for the Madrone Business Park on

**MONTEREY-
TBI/GOMES
(MADRONE
BUSINESS
PARK)**

approximately 80 acres, located on the north side of Cochrane Ave. between Monterey Rd. and Hwy 101.

COMMISSIONERS PINION/ RIDNER MOTIONED TO APPROVE AND ADOPT RESOLUTION NO. 00-54, GIVING APPROVAL OF A DEVELOPMENT AGREEMENT FOR THE MADRONE BUSINESS PARK.

Under discussion of the motion, PM Rowe explained that the issue was unchanged from the previous presentation, however, information presented at the General Plan Task Force meeting concerned potential traffic routing issues in the area. Consequently, Section 4.3 of the report as presented was amended to read: "The developer further agrees that certain portions of the Business Park which are near or on Butterfield Boulevard may be altered or changed if the traffic studies now in progress are adopted by the City. It is understood that such changes would be the fiscal responsibility of the City."

PM Rowe explained that the proposal would expand Butterfield to a width of 48-feet instead of the existing 30-feet. He also stated the proposal included having Butterfield/Madrone connect to Monterey Road.

Commissioner Sullivan asked if the proposal would present a conflict with the City's policy of 30-foot wide streets? PM Rowe replied this was not an issue.

Commissioner Pinion asked if the developer was in concurrence with the proposed change to Section 4.3?

Brad Krouskup, President of TBI, the development company, was present and agreed to the change stating that he and his company personnel had always understood that Butterfield Boulevard would likely become a collector street. He also reported that the improvements were being placed into the Business Park on schedule.

PM Rowe again noted that page 5, Section 4.3 of the agreement speaks to The City's ability to change the configuration of the lane widths on City streets, noting the cost of land acquisition and cost of building roads is the City's responsibility and the cost(s) will not be borne by the Developer in the agreement.

COMMISSIONERS RIDNER/PINION AMENDED THE MOTION TO INCLUDE THE LANGUAGE FOR SECTION 4.3 ON PAGE 5 OF THE AGREEMENT. RESOLUTION NO. 00-54 WAS ADOPTED BY A VOTE OF 5 - 0, WITH KENNETT ABSTAINING AND MCMAHON ABSENT.

Commissioner Lyle offered information that had been presented at the Task Force meeting concerning future plans for Butterfield Boulevard. He noted the presentation by the Consultants had included a recommendation that Butterfield would be increased to six lanes and would be connected to Madrone. He said the recommendation(s) by the Consultants included purchasing/acquiring enough right-of-way property to guarantee the increased lane widths.

OLD BUSINESS:

**2. USA-00-02:
SUNNYSIDE-
STODDARD**

A request for an amendment to the Urban Service Area boundary to include three parcels totaling approximately 9 acres located on the east side of Sunnyside Ave., adjacent to the north side of the La Grande subdivision.

Chair Kennett reminded all present this matter had been presented and discussed at the meetings of August 22 and October 10, 2000. She stated the report and all available information had been received by the Commissioners. Chair Kennett asked that only new, previously unreviewed information be presented this evening.

PM Rowe presented the staff report indicating the matter was at the Planning Commission at the request of the City Council, that body having received a traffic analysis which had not been received previously nor by the Commission. The traffic analysis presents a redesign for an intersection on Sunnyside across from Camino Real. The matter was continued to this date as the mailing list for the October 10, 2000 meeting provided by the applicant to City Staff omitted several names, thus prohibiting proper notification.

PM Rowe continued the Staff Report: The traffic analysis and intersection design provided by the applicant does illustrate that an intersection at Sunnyside across from Camino Real is possible. The installation of the intersection improvements would benefit the area with the installation of dedicated left-turn lanes. However, the implementation of the proposed design would require additional right-of-way from property owners to the north that are not a part of the current application and; therefore, the ability to complete the offsite improvements as part of this application may not be possible. He noted the Commissioners may conclude that the benefits outweigh the negatives of the development; in that case, Commissioners may recommend Council approval of the Urban Service Area Boundary application. The Commission may also reaffirm the recommendation offered at the August 22, 2000 meeting.

PM Rowe also stated that at the General Plan Task Force Meeting, the presentation by the Consultants indicate Sunnyside could become a major traffic corridor, being widened from two to four lanes. At this particular location (the proposed intersection), there is a problem with a slight rise in the road which presents a safety problem as well as line-of-sight issues.

Commissioner Pinion stated that he seemed to recall that when the application was originally filed with the City, discussions included whether or not to bring the area just

north of the subject property into the urban service area. He believes the proposal included the Stoddard property, plus two other properties.

PM Rowe stated the proposal needed the parcel to the south to be able to proceed with the street expansion, as the intersection placement was dependent on that.

Commissioner Lyle said additional property would be needed on Sunnyside, to align with Casino Real. There must be property to the north available or the intersection will be offset. He also noted that SE Creer was present and could address questions regarding specifics of traffic flow design, intersections, and water gridding issues.

Chair Kennett asked if the traffic analysis was based on 21(housing) units or over 30 units? She indicated both size units had been presented and there was some resultant confusion on the details of the plan.

PM Rowe replied that the project had been scaled back from a year ago to 21 units. The original traffic study was for 30 units.

Commissioner Mueller called attention to Exhibit B, asking for clarification on locations of property owners.

Chair Kennett opened the meeting to public comment.

Dick Stoddard, the applicant whose address is 4960 Myrtle Dr., Concord, spoke to the Commissioners. He commented on the expense of the traffic study, assuring the Commissioners that he would not have gone to the expense of the analysis if he wasn't concerned about being a good neighbor. He stated he had on several occasions conducted an unofficial traffic count at the peak travel time of 5:00 p.m. and was not able to verify claims of heavier travel. Mr. Stoddard said he had worked with City Staff who have indicated that additional trips in the area at peak times are inconsequential. He reminded the Commissioners that the two major concerns previously identified - water service and traffic flow patterns - had been acknowledged and answered. Mr. Stoddard further stated there were plans to have future expansion to deal with the dead end street. He reiterated he wants to work with Staff and the neighbors, that he is willing to meet his responsibilities, and that he has indeed met the burden of responsibility in these issues

Bruce Tichinin, 17775 Monterey Rd., reminded the Commissioners that their denial last time had been based mainly a perception of increased traffic flow on Sunnyside. He indicated the Stoddards had worked to achieve mitigation of the problems previously detected: need for a left-turn lane, elimination of a dead end street, and water availability issues. He said all these had been addressed and solved and there was a need to move ahead now. Mr. Tichinin said there was a need to weigh the public benefits of the proposal. He said there was a need to take a positive position with the application before the Commission in consideration of the standards set by City staff and whether those standards, having been met, should be accepted. He further stated that in reliance on those standards, Mrs. Stoddards' request is entitled to positive consideration. He reminded that the proposal before the Commission is the request for inclusion into the Urban Service Area boundary and that based on the concerns having been met, Mrs. Stoddard's request is entitled to

consideration. He spoke on whether the City wants to retain control over this property or whether the Stoddards will work with the County for future plans. Mr. Tichinin indicated the Stoddards were willing to work with the City who has higher standards than developing in the County which has lower standards.

Commissioner Lyle asked how many homes would be placed on the property if it remained in the County?

Mr. Tichinin replied he didn't know.

David Cruz, 15820 Sunnyside, spoke to the Commission, stating, "I've lived there for 46 years. If they want to develop the property, fine, but they want to take my driveway. I've already lost part of my property, where the well is, but I can still take the water. I have a paper that says so." He presented documents and maps to support his claim.

Commissioner Pinion asked if the driveway is paved?

Mr. Cruz replied it was not.

Catherine Abate, 15950 Sunnyside Ave, announced to the Commissioners that she had submitted a letter regarding the issue earlier this date. She spoke on the limitations of development within the City under Measure P. She spoke of Mr. Cruz's two parcels, noting that he had paid taxes and according to the Assessor's maps and documents his driveway was in question for the availability of land for the turn-lane proposal. Ms. Abate said that while it is clear the applicant has a traffic pattern plan, it does not address the safety issues which had been identified. She noted a prior staff report "fuzzes" the issue of proposed housing on the site. Ms. Abate said the map prepared by Morgan Hill Engineering has not shown the elimination of hazards. She further stated that the applicant doesn't have the right of way required to complete the infrastructure. Tonight's dilemma, she said, was that the resolution doesn't address the standard for infill in development.

Commissioner Pinion asked Ms. Abate to identify her property on the projected map. She complied with the request, noting her property is about two acres and was the northernmost property included in the application when it was submitted last year.

Commissioner Sullivan asked about water quality and pressure in the area.

Ms. Abate state the quality was fine. She noted she uses well water to drink and for household usage.

John Brice, 995 LaVista Ct., said his concern was the potential for increase in traffic flow. He disputed earlier statements made by other speakers. He indicated a belief that there might be efforts to take some property by eminent domain to ensure the right of way would be available for the intersection.

Commissioner Pinion asked if Mr. Brice was aware that long term plans included a proposal to widen Sunnyside to four lanes?

Mr. Brice replied, "Yes."

Jim Sudduth, 15910 Sunnyside, spoke in favor of the project. He said there is a need to consider the project as an extension, noting he had reviewed the property on County maps, and if people are willing to face the future, they will recognize it as a viable proposal. Mr. Sudduth indicated he certainly prefers to have the project go forward under the City rather than the County.

Commissioner Pinion asked if Mr. Sudduth's property was part of the original application. Mr. Sudduth replied that it was, added to the original application by the City with his consent.

Bill McClintock of Morgan Hill Engineering, PO Box 1429, spoke in favor of the project. He said he was here to clear up the property line location. He indicated it would be possible to "get the half street without the Cruz property and can still grid the water line". He pointed out that the applicants felt if they could convince Mr. Cruz to have his driveway included, he would have a safer area for a left hand turn. Mr. McClintock stated the applicants have property owners on the east who favor the plan and are willing to work to get the proposal passed. He said another option to investigate is to upgrade the development through the use of Edmundson, not Sunnyside. He said the intersection is indicated at Casino Real on the City's future planning, so that would be a viable alternative. Mr McClintock informed the Commission that this is the first Urban Service Area application where a traffic study has been completed.

Commissioner Lyle asked if Mr. McClintock had completed the survey? He also questioned if Mr. McClintock had found that Cruz's driveway was actually on his (Cruz) property? He noted that he had visited the site and was not able to see how a half street could be made without Cruz's driveway.

Mr. McClintock said he had worked on property survey and that Cruz's driveway was on his property. He also stated that it was possible to have the half street as indicated.

Chair Kennett asked if there was a possibility for placement of another driveway on the property, such as entirely within the project? She stated it was somewhat unlikely that people on Casino Real would cross Sunnyside to get into the project.

Keith Higgins, 1335 First St., Gilroy, spoke in favor of the proposed project, stating that his firm had done the traffic analysis and indicated his willingness to address concerns of traffic flow and patterns in the area. He spoke of standards of CalTrans, and the need to meet City standards as well. He said if the intersection were placed at the proposed location, Mr. Cruz would be far safer than now. Mr. Higgins provided an overview of the intersection and road improvements proposed by the applicant.

Commission Mueller asked if the proposed intersection provided adequate shoulder and taper distance?

Mr. Higgins replied this was indeed the case.

Robert Dennery, 955 LaVista Court, indicated he is opposed to the proposal. He pointed out that he is concerned because of the proximity of his property to the proposed intersection, adding that increased housing would in turn surely bring increased noise and traffic. He said development can create hazards which have not been mitigated. He thought the proposal to use Edmundson Avenue would be more viable. Mr. Dennery reminded the Commissioners that they had turned down the proposal before and urged them to do so again.

Nita Jenne, 15825 Sunnyside, stated her opposition to the proposal, stating the plan has gotten more elaborate, and does not meet the infill standards. She questioned if there was a reason to bring the property into the City and indicated the proposal does not meet the intent of Measure P. She stated the proposal was premature at best. Ms. Jenne called attention to three specific issues: The proposal is to use 4 - 5 parcels, not just the Stoddards, the property is not currently in the Urban Service Area, and it is not in the City. She questioned if there was a reason to bring the property into the City at all. Mrs. Jenne also stated that there were issues of fraud and bad faith involved, that Mr. Cruz had been harassed, not duly informed of meetings, and that there was no public benefit to be gained from the project, only the Stoddards would benefit at all. Mrs. Jenne further stated that minutes of previous meetings were incorrect and inaccurate.

Commissioner Pinion commented that each time the project had been returned for further consideration the proposal(s) had become more complicated.

Mrs. Jenne said the traffic study was a new issue at the City Council meeting. She reiterated the property doesn't belong in the Urban Service Area. She stated the minutes from prior meetings had been incorrectly transcribed with the inaccuracies being to the benefit of the Stoddards and the detriment of others on the street.

Commissioner Pinion asked for clarification on what Mrs. Jenne meant by the minutes from prior meetings had been incorrectly transcribed.

Mrs. Jenne replied minutes from prior meetings had been incorrectly transcribed with the inaccuracies being to the benefit of the Stoddards and the detriment of others on the street.

Karen Boon, 15780 Casino Real, spoke in opposition to the proposal. She indicated she had lived in the area for only one year. However, prior to the purchase of the property she shares with her partner, they had investigated with the Planning Commission (later determined to be the Planning Department) whether development was planned for the area. According to Ms. Boon, she was told that under the City's twenty-year master-plan, Butterfield might be widened and used as a thoroughfare. But, she said, they were lead to believe this was far in the future with no impacts on the area where they were considering purchasing. She indicated they were not told that Sunnyside might be changed or enlarged, and so were very concerned about this proposal.

Commissioner Sullivan commended Ms. Boon for investigating the area before purchasing property. She said to Mrs. Boon that they proposal before the Commission would not trigger the Santa Teresa corridor expansion(s).

Ms. Boon commented that she believed it would be prudent to discourage increasing traffic on Sunnyside.

Doug Follett, 15780 Casino Real, addressed the issue of whether the quantity of traffic on Sunnyside will subside with Butterfield being widened. He indicated that houses in pockets such as in the proposal would be the case. He also questioned the emotionalism of "in the City rather than in the County", and stated concerns about the argument for enlarged turn lanes being put forward under the guise of safety.

Commissioner Pinion stated that when people build approved developments, they do make money, but if there are safety issues, they will come out to be addressed as part of the process. He reminded that the intent is to widen the street, and the easements now existing may be enough to put the plan into place without acquiring more property.

Mr. Follett questioned whether the eminent domain procedure could or would be used for such a project which in this case appeared to be for private gain only, and that such a project or reason for the project was not emergent.

Jim Sholer, 15770 Casino Real, indicated opposition to the proposal. He addressed three specific elements of the proposition before the Commission. He spoke of the history of the application and the changes therein. He also talked about the roads in the area, saying the alignment proposed just will not work, the intersection must be offset according to the plans presented. He spoke about the direction from the City Council, expressing concern that the 25 year traffic plan being addressed by the General Plan Task force wasn't receiving full value with this proposal. He suggested there were alternatives to be considered before recommending a decision to the Council.

The public hearing was closed.

Commissioner Pinion said previously he had been opposed to the proposal presented for this property. He feels it is important to preserve the rural atmosphere and is sensitive to the issues raised by the neighbors. He indicated he has looked at the property and believes what should have happened, didn't: to have preserved the hillside where Casino Real is. However, Commissioner Pinion continued, there is no longer open space to be preserved, and he definitely feels this proposal would bring benefits to the City. He indicated a willingness to bring the property into the City under the Urban Service Area which will cause future development to be under Measure P, noting it may be years before actual development occurs.

Commissioner Ridner said he supported the proposal in the past. He believes the quality of life is defined differently and in many ways. Perhaps, Commissioner Ridner said, it is unfortunate but growth is inevitable. He stated he is loath to deny property owners the right to develop their own property. The City, he continued, can benefit from planned population growth, and it is good for the developer to meet the requirements of the City. Commissioner Ridner emphasized that all properties in the City must be developed under Measure P requirements. In view of the thoughts he expressed, Commissioner Ridner said he continued to support the proposal for the property inclusion into the Urban Service Area.

Commissioner Lyle began by saying that if the City had to use eminent domain for residential development, it required special consideration before proceeding. He said that development under Measure P is not a speedy process, but it is a smooth process. There are generally 1,000 building allotments requested, with 100 to give out. He advised that the proposed widening of Sunnyside is being reviewed. He questioned if this proposal meets the standards of Measure P, particularly in the area of the “desirable infill” requirement, stating he views the plan as marginal at best. Commissioner Lyle said if a proposal creates a greater problem, then a net minus results. He stated he believes the traffic issues can be resolved. Right now, Commissioner Lyle indicated, the property can only provide an offset intersection and this is not good as a new problem is created. He urged the other Commissioners to look at the whole area, to insist on good planning. Commissioner Lyle stated if this is allowed, it will be fair to some, and not others under measure P. He stated the issue can be resolved, but right now the property can only provide an offset intersection and this creates a new problem. He noted his opposition to the proposal.

Commissioner Mueller provided a brief overview of the history of the area, saying that he had been involved with planning for the area for some years. He indicated he feels strongly that planning can create orderly development. He has visited the area, specifically to consider the traffic conditions and expressed some reservations about the reaction time at present. Commissioner Mueller said it was necessary to keep one thing in mind at all times, to bring under-utilized land into the Urban Service Area will benefit the City. Personally, he said, he didn’t care for any of the mentioned alternatives. Certainly not Casino Real, as this would create a split level street. If it were to become necessary, he said, to take the street to Edmundson, a large piece of property would still be needed to have a fairly large intersection. Commissioner Mueller said it was important to have a long-term solution to the traffic issues on Sunnyside, a short-term might cause more problems than would be cured. He spoke of potential benefits to the City with the adoption of the proposal while noting a new General Plan is in the works but the traffic plan might be up to nine months away from completion. He indicated a worry that if the applicant was forced to go to the County, well, he just wasn’t happy with a situation like that. Commissioner Mueller asked if the water could be gridded if the street improvements were not completed?

SE Creer responded that, while not a common practice, it would not be an insurmountable problem.

Commissioner Mueller asked SE Creer the probabilities of taking the road for the proposed development away from Sunnyside to Edmundson?

SE Creer noting there are some benefits, but some issues need to be considered.

Commissioned Sullivan interjected a question regarding the potential for four lanes on Edmundson?

Commissioner Mueller said, yes, that was a possibility, but it was flat on Edmundson, whereas a rise in the road occurred on Sunnyside. He noted if people are looking at saving the environment for people in the corner by pulling development to the North and East, there needed to be concern about the ability to direct traffic to travel differently. In terms of Sunnyside, Commissioner Mueller said, the a.m. and p.m. peak travel times could

substantially increase. He continued that a positive, as he sees it, would be the gridding of the water. Commissioner Mueller also noted that the subject property has three sides which touch City boundaries and again indicated he would rather have the City deal with the property than the County. He also noted that other properties in the area might be locked out of Measure P competition. He proceeded to discuss the effect of Measure P on potential development in the area.

Chair Kennett said she had been opposed to the proposal because of Sunnyside: the concerns being more traffic, less safety. She spoke on the growth of the City, with resultant apprehensions of the sufficiency of the infrastructure. She indicated those considerations were not just roads, but fire, police, and schools, for example. Chair Kennett said she can see a benefit to the infill as proposed, and she is encouraged by the possibility of taking the road to Edmundson instead of increasing traffic on Sunnyside. She spoke to Mr. Tichinin regarding owners on Edmundson and the possible road extension to Edmundson, noting she mentioned it as a point of interest.

Commissioner Sullivan said she had been opposed at first to the larger development, but she also realized such a property was inevitable for development. She indicated that while she didn't have a "check list" of concerns, the traffic issue was at the forefront of her thoughts. She said if the traffic plan mitigates problems, good. However, Commissioner Sullivan indicated her belief that the changes proposed for Sunnyside would promote hazards. She questioned whether eminent domain would be necessary to build the best intersection, and what would happen to Mr. Cruz's driveway if that action occurred? She stated that while development in the studied area was inevitable someday, she believed the time was not right now.

At the request of the Chair, a letter from Commissioner McMahon was read into the record. Commissioner McMahon wrote she agrees with the neighbors who have considerable concerns in their arguments that Sunnyside, its curvature and the speed and excessive use experienced there now, noting the road was already over-burdened and unsafe. She also addressed the current work of the General Plan Task Force and the traffic studies which are part of that work. In conclusion, she said that it was her position that "the time is not ripe to expand the USA and develop parcels that have an adverse impact on one of the City's main arteries".

Commissioner Pinion said he wanted to clarify that there had been considerable discussion about Measure P, and he felt it was important to note that bringing this land into the City won't immediately increase the population. In fact, he stated, by being in the City, the development might be postponed as the developers must compete under Measure P. Commissioner Pinion said the issue of gridding the water would be business of the City to ensure quality and correct pressure. He also reminded that the commissioners had two choices explained to them at the beginning of the presentation: Commissions may conclude that the benefits outweigh the negatives of the development; in that case, they may recommend Council approval of the Urban Service Area Boundary application. The Commission may also reaffirm the recommendation offered at the August 22, 2000 meeting.

COMMISSIONERS LYLE/SULLIVAN MOTIONED TO AFFIRM THE

ORIGINAL RESOLUTION NO. 00-46, RECOMMENDING DENIAL OF THE REQUEST. THE MOTION FAILED 2 - 4 - 0 - 1 AS FOLLOWS: AYES: LYLE, SULLIVAN; NOES: KENNETT, MUELLER, PINION, RIDNER; ABSTAIN: NONE; ABSENT: McMAHON.

Commissioner Mueller said the Commission appears to be getting ahead of itself in working out details. He stated his belief that it is relevant to say the property may benefit the City, not necessarily on account of Sunnyside.

Commissioner Lyle said the Commission needed to take care not to give conditional approval to any anticipated project at this stage.

PM Rowe called attention to the wording of the proposed Resolution No. 00-60, which addresses the finding(s) for approval of the application.

Commissioner Pinion again stated that if the application for development is approved, the project must compete under Measure P.

Commissioner Lyle mentioned the point system under Measure P which is sometimes a troublesome concern for developers. He noted that one can't presume Measure P criteria will prevent something from happening.

Discussion ensued regarding requirements and criteria for infill. PM Rowe provided the Commissioners with the standards for infill. Chair Kennett read the beneficial criteria of the desirable infill policy for the benefit of the audience.

Commissioner Pinion said while no determination of the need regarding water had been made, he believes the property meets the criteria for infill.

Commissioner Sullivan said it appears the property is not capable of gridding without eminent domain.

SE Creer spoke on the ability of the applicant to grid the water line because of the location of the property along Sunnyside.

ON A MOTION BY COMMISSIONER RIDNER, SECOND BY COMMISSIONER PINION, RESOLUTION NO. 00-60 WAS OFFERED FOR ADOPTION, WITH THE DELETION OF THE WORD "SUBSTANTIAL" IN SECTION 2.

Under discussion, Commissioner Mueller said it is important to notice that if the development connection is not with Sunnyside, ground rules must be established to ensure benefits to the City.

Commissioner Lyle commented that if the property is included in the USA, and the developers want to go to Edmundson for a road connection, the property will still be under the criteria of Measure P.

PM Rowe said if the Commission intends to adopt Resolution No. 00-60, the findings need

to include: the benefit of the elimination of a dead-end road and the positiveness of gridding of the water line. He further stated the USA increase depends on the basis of gridding the water for future development applications.

Commissioner Mueller suggested that the project can be redesigned to provide future access to Edmundson. That was the case with a development south of the area being discussed this evening.

PM Rowe spoke on the importance of waiting until an actual development plan application is brought before the Commission. He said if conditions were attached now, they might not be easy to deal with later.

Commissioner Mueller said there is some benefit in development of this property in the City. The City can control roads, whereas if the development is in the county, there is zero control. He restated the safety concerns of citizens who prefer to drive Sunnyside, the economics involved and the point raised earlier that three sides of the property abut the City boundaries.

COMMISSIONERS RIDNER/PINION AMENDED THE MOTION TO HAVE SECTION 2 OF RESOLUTION NO. 00-60 STATE THE BENEFITS OF GRIDDING OF WATER LINES AND LOCAL AGENCY (CITY) CONTROL OF FUTURE DEVELOPMENT. THE MOTION PASSED ON A VOTE OF 4 - 2 - 0-1 AS FOLLOWS: AYES: KENNETT, MUELLER, PINION, RIDNER; NOES: LYLE, SULLIVAN; ABSTAIN: NONE; ABSENT: McMAHON.

Commissioner Lyle asked what the LAFCO (Local Agency Formation Commission) reaction to this action would be?

Commissioner Mueller replied the general plan calls for urban development inside the City.

NEW BUSINESS:

3. DA-00-08: BERKSHIRE- SINGH

The request is for approval of a development agreement for a four-lot subdivision located at the northeast corner of Hale Ave. and Llagas Rd. at the end of Berkshire Dr.

PM Rowe presented the staff report, describing the project as it was originally presented under Measure P. He gave an overview of the awarding of the points for the project and announced that while the project had changed somewhat in scope, with allowable points, the quality of the application has not changed. PM Rowe explained that the change in the application dealt mainly with the open space/creation of pocket parks issue. PM Rowe observed the recommendation was for approval.

Commissioner Lyle asked if there was a new layout as there now appeared to be four lots and he believed the original application indicated five lots.

Commissioner Mueller asked if the lots were recorded as four or five?

PM Rowe explained that the lots were legally recorded as being four and the project was

deed restricted from further development.

Chair Kennett opened the public hearing.

T. K Singh (no address available), who identified himself as the applicant, addressed the Commissioners requesting approval of the application. He explained the pocket park, originally part of the project, had been eliminated at the request of the neighbors in the area. He told the Commissioners that the former park had also contained an easement which was eliminated at the request of the Morgan Hill Police Department.

Commissioner Mueller stated he was going on record to indicate it is his understanding that further subdivision of the property would not occur.

COMMISSIONERS SULLIVAN/KENNETT MOTIONED TO ADOPT RESOLUTION NO. 00-55, RECOMMENDING THE CITY COUNCIL APPROVE THE PROJECT AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY WITH ALL COMMISSIONERS PRESENT VOTING YES AND McMAHON ABSENT.

**4. UPA 97-07:
MONTEREY-
PAGNET**

This item was a request to amend an existing conditional use permit to allow for additional telecommunication antennas and panels to be placed on the water tank located on the east side of Monterey Rd., north of Cochrane Rd., as well as for the construction of an equipment storage area.

PM Rowe gave the staff report noting the water tank is located on privately owned property. He stated that ancillary equipment will be placed within a proposed 10'x20'x12' shelter at ground level, adjacent to the water tank structure. The original conditional use permit was issued in October, 1997 and permitted whip-type antennas and a smaller storage facility.

PM Rowe advised this project will add panels to the handrail system of the tank and increase the storage capability for other equipment. He indicated this site was of particular local interest because of the historic value of the site. He stressed the panels and storage building would not visually impair the tanks and that required landscaping would be placed to enhance the area.

Commissioner Pinion said the historic value was because the water tank was part of the original water supply for the City and that early City ordinances addressed the construction and operation of the facility.

Commissioner Lyle expressed concern the facility was so close to Madrone (street) he wanted to make sure the landscaping was compatible with traffic in the area.

PM Rowe stated the 30-foot landscaping area on Madrone was considered part of the Business Park enhancement.

Commissioner Mueller indicated that the parcel fronted on West as well and the City needs to reserve the right to require landscaping there also in the future. He said his first and

basic concern is that the tank needs badly to be repainted. He indicated that the lead-base paint which had been used on the tank several years prior had caused the price for repainting to be considerable, but it really must be completed. Commissioner Mueller said If the City needs to use the tower to supplement City operations, if Public Works or the Police Department needs to use the tower, permission is to be granted for City to use the tower for co-location of such facilities.

Chair Kennett opened the public hearing.

Ash Rageh, 1255 Treat Blvd., Walnut Creek, representing Nextel was present to tell the Commissioners that his company had advanced a considerable sum (\$20,000) as rent to the owner of the tank. He indicated he had been led to believe that at least a part of the money was to be spent for the repainting of the tank.

Chair Kennett closed the public hearing.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO APPROVE RESOLUTION NO. 00-56 WHICH WOULD ALLOW THE CONTINUATION OF THE CONDITIONAL USE PERMIT, TO BE REVIEWED IN ONE YEAR, AND THAT IF THE CITY NEEDS TO USE THE TOWER TO SUPPLEMENT CITY OPERATIONS, IF PUBLIC WORKS OR THE POLICE DEPARTMENT NEEDS TO USE THE TOWER, PERMISSION IS TO BE GRANTED FOR CITY TO USE THE TOWER FOR CO-LOCATION OF SUCH FACILITIES. FURTHER, THAT CITY POLICE, FIRE AND OTHER SUPPORT SERVICES BE PERMITTED USE OF THE TELECOMMUNICATIONS ABILITY. THE MOTION PASSED BY THE AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT, WITH McMAHON ABSENT.

**5. UP-00-04:
TENNANT-
MORGAN HILL
EQUIPMENT**

The application requested a conditional use permit to allow for outdoor sales and display of earthmoving equipment. All information needed for matter had not been received; consequently, a continuation was the requested.

COMMISSIONERS MUELLER/RIDNER MOVED TO CONTINUE THIS MATTER TO THE NOVEMBER 14, 2000 MEETING OF THE MORGAN HILL PLANNING COMMISSION. THE MOTIONED PASSED ON A VOTE OF 6-0, WITH McMAHON ABSENT.

**6. UPA-96-01/
VAR 00-03:
WOODVIEW-
SELF
STORAGE**

The application requests an amendment to the conditional use permit, which would grant the applicant the ability to increase the facility 45,000 sq. ft. The project is located within the Cochrane Business Ranch. The applicant is also requesting approval of a variance from the required side and rear setbacks and perimeter landscaping requirements.

Commissioner Sullivan asked if zero sideyard setbacks are the norm for this type of facility?

PM Rowe responded that the practice is becoming more common, and there may be a need to eventually amend the code dealing with such matters. He continued by explaining that in this instance, the staff had looked at the request and made the recommendation for

approval of a zero or minimal set back requirements based on security concerns.

Commissioner Sullivan asked if there were concerns about meeting landscaping requirements for adjacent properties?

PM Rowe reflected that on San Pedro Drive there is a project with the minimal set backs. He said that with this site the minimal set back would be at the back of the property.

Commissioner Mueller asked if the Fire Department had expressed any concern with the proposed project?

PM Rowe responded they were fine with the proposal and had reviewed the expansion plans.

Commissioner Mueller commented the service entrance and parking lots were at the back of many commercial and industrial facilities, but in this case there was no need for service entrances nor parking lots.

Chair Kennett opened the public hearing.

Dan Amend, 1960 The Alameda, #20, San Jose, who is the applicant, was present to answer questions. He stated he owned the properties on either side of the subject.

The public hearing was closed.

Commissioner Pinion said there is no way out of looking at the code as this type of request was sure to be seen again. Since this will be a recurring situation, the latitude is needed in the zoning code. He stated he has no opposition to the request, but doesn't think it meets the variance request.

Commissioner Sullivan asked Mr. Rowe if there was a plan to review items such as this?

PM Rowe replied yes, the Planning Department staff will be reviewing this as part of the annual "look at the issues".

Commissioner Pinion stressed the need for consistency in these matters.

The Commissioners discussed the location of the detention pond at the rear of the property.

Commissioner Sullivan pointed out the pond is actually located in the interior of the property can therefore cannot be seen by the public. So, she said, the variance could be granted noting in the findings that the variance was being granted because of specific conditions.

In perusing the proposed resolutions, Commissioner Lyle asked if in Resolution No. 00-58, section 3, number 2, had been addressed?

PM Rowe responded it had been, and the modifications included the interest of the minimal

setback and landscaping.

COMMISSIONERS MUELLER /SULLIVAN MOTIONED TO ADOPT RESOLUTION NO. 00-58. THE MOTION PASSED 5-1-0-1 AS FOLLOWS: AYES: KENNETT, LYLE, MUELLER, RIDNER, SULLIVAN; NOES: PINION (ON PHILOSOPHICAL GROUNDS); ABSTAIN: NONE; ABSENT: McMAHON.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO ADOPT RESOLUTION NO. 00-59. THE MOTION PASSED 5-1-0-1 AS FOLLOWS: AYES: KENNETT, LYLE, MUELLER, RIDNER, SULLIVAN; NOES: PINION; ABSTAIN: NONE; ABSENT: McMAHON.

OTHER BUSINESS:

**7. DISCUSSION:
SETTING
SCHEDULE FOR
REVIEW OF
MEASURE P
APPLICATIONS**

Proposed schedule for processing this year's Measure P Open/Market Rate project applications.

PM Rowe presented the calendar and the list of applications received.

Commissioner Ridner asked for a review of the scoring procedures, which PM Rowe provided.

Following discussion of the length of time involved, the number of applications and the "turn around" time involved, the Commissioners, by consensus, agreed to set the review(s) for January 9th and 23rd. PM Rowe was asked to check on the location as a conflict had been ascertained with other groups using the facility. One regular meeting is scheduled in January which is set for the 16th. Commissioners will meet the 16th at 5:00 p.m. for additional review(s) until 7:30 p.m. Planning Commission consensus was to use February 13, 2001 for final scoring and hearing applicant's appeals and February 27, 2001 is to be for awarding allotments.

**8. HOLIDAY
MEETING
SCHEDULE**

Staff discussion with the Commission regarding its meeting schedule for the months of November and December.

COMMISSIONERS LYLE/SULLIVAN MOTIONED TO CANCEL THE NOVEMBER 28 AND DECEMBER 26, 2000 PLANNING COMMISSION MEETINGS DUE TO HOLIDAY CELEBRATIONS. THE MOTION PASSED 6-1, WITH COMMISSIONER McMAHON ABSENT.

ADJOURNMENT: There being no further business, Chair Kennett adjourned the meeting at 10:54 p.m.

MINUTES RECORDED AND PREPARED BY:

PLANNING COMMISSION MINUTES

OCTOBER 24, 2000

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Minutes Clerk

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